

DOCKET NUMBER : SUPERIOR COURT
BOSIE KIMBER and DONARELL ELDER : J.D. OF NEW HAVEN
VS. : AT NEW HAVEN
RENEE DOMINGUEZ : JANUARY 7, 2022

COMPLAINT
IN THE NATURE OF QUO WARRANTO

1. At all times herein, the Plaintiff, BOSIE KIMBER, was (and is) a resident of the City of New Haven, and taxpayer, maintaining an address of 47 Stevenson Road, New Haven, CT 06515.
2. At all times herein, the Plaintiff, DONARELL ELDER, was (and is) a resident of the City of New Haven, and taxpayer, maintaining an address of 321 Eastern Street, New Haven, CT 06513.
3. The Plaintiffs are both registered to vote in the City of New Haven and did so vote in the municipal elections that took place on November 2, 2021.
4. At all times herein, the defendant RENEE DOMINGUEZ (hereinafter referred to as "the defendant Dominguez") has been Assistant Chief of the New Haven Police Department.
5. On or about January 7, 2021, Justin Elicker, the Mayor and Chief Executive and Administrative Officer of the City of New Haven, mayorally designated the defendant Dominguez to the position of Acting Police Chief for the City of New Haven. Defendant Dominguez began serving as Acting Chief of the New Haven Police Department in June, 2021, upon the retirement the former Police Chief Otoniel Reyes.
6. Thereafter, the defendant Dominguez has continued to exercise the rights, powers, and privileges of the office of Acting Chief of the New Haven Police Department.

7. The New Haven Charter Article IV. Section 1 (A)(3), states:

Other than to membership on a Board or Commission, the Mayor may designate an individual to hold a position in an acting capacity pending the selection of a nominee, but **no person may hold such a position for more than(6) months** without being submitted for confirmation by the board.

8. Further, Section 2-304 of the New Haven Code of Ordinances, which is titled "Limitation on temporary appointments" provides:

No person may serve in a temporary employment position with the city beyond one hundred eighty (180) days.

9. Ever since January 1, 2022, the defendant Dominguez has continued to exercise the rights, powers, and privileges of the office of Acting Chief of the New Haven Police Department to the exclusion of any/all individuals properly appointed through the process mandated by the Charter.

10. Ever since January 1, 2022, the defendant Dominguez, having no right to the office nor to exercise the rights, powers and privileges thereof, holds the position illegally.

11. The Plaintiffs have standing to raise before the court the flagrant Charter violation by the defendant. Connecticut General Statutes § 52-491 provides: "When any person or corporation usurps the exercise of any office, franchise or jurisdiction, the superior court may proceed, on a complaint in the nature of a quo warranto, to punish such person or corporation for such usurpation, according to the course of the common law and may proceed therein and render judgment according to the course of the common law."

WHEREFORE, pursuant to the provisions of C.G.S Sec. 52-491 et. Seq., the Plaintiff prays that this Court:

1. Order the Defendants Renee Dominguez to answer to this Court by what warrant she claims to holds the office of Acting Police Chief for the City of New Haven and to exercises the rights, powers and privileges thereof;
2. Absent her ability to prove her proper claim to said office, Order that the Defendant, Renee Dominguez vacate the position of Acting Chief of Police for the City of New Haven;
3. Award the Plaintiffs their costs for having to bring this action;
4. Make whatever other Orders that it deems to be fair and equitable.

RESPECTFULLY SUBMITTED FOR
BOSIE KIMBER AND DONARELL ELDER

BY 

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of Williams and Barber
Their Attorneys